IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4589 OF 2006

Manibhai Pandiyan Chetty .. Applicant.

V/s.

State of Maharashtra & Anr. .. Respondent.

Ms.Anjali Patil for the applicant.

Shri.S.S.Pednekar, A.P.P. for the state.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22ND DECEMBER, 2006

P.C.:

1. The applicant is arrested in conection with C.R.No.362 of 2006 registered by Kurar police station. The offences alleged are forgery and cheating.

2. The complainant is an officer of the Canara Bank. In his statement, he has given the details as how the bank has been cheated by one Zuber Khatri and others.

3. The learned advocate appearing for the applicant has invited my attention to the fact that one Shabbir Ahmed Patel has been enlarged on bail. He is alleged to have prepared forged and false as well as fake documents and production thereof resulted in several banks sanctioning the loans. Once, he is enlarged on bail, then on the ground of parity, the applicant deserves bail.

4. The learned A.P.P. does not dispute that the main accused Shabbir Ahmed Patel is enlarged on bail and the role of the present applicant is maninly that of a commission agent.

5. In such circumstances, the applicant deserves to be enlarged on bail.

6. Hence, the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with the C.R.No.262 of 2006, registered by Kurar police station on executing personal bond in the sum of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report the concerned police station once in a week between 5.00 p.m. and 7.00 p.m. till the chargesheet is filed and thereafter as directed by the trial court. The applicant shall deposit his passport, if any, with the Investigating Machinery. The applicant shall not leave Mumbai without prior permission of the Trial Court.

(iv) The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

(viii) Application disposed of in above terms.

(ix) Parties to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J.)